

MEMORANDUM OF LAW

DATE: July 15, 1986

TO: Councilwoman Abbe Wolfsheimer

FROM: City Attorney

SUBJECT: Parliamentary Procedure - Point of Order

Your June 25, 1986 memorandum to City Attorney John W. Witt regarding the above-captioned subject raises three questions of parliamentary procedure regarding meetings of the Public Facilities and Recreation Committee. They are:

1. May a Committee chairman call for a vote on an issue when a point of order has been raised?
2. May a Committee chairman announce the results of a full Committee vote when one member of the Committee has not voted?
3. On what basis may questions to staff and speakers be limited?

Our response, seriatim:

1. The City Council has adopted Roberts Rules of Order Newly Revised as its Rules of Parliamentary Procedure. (Municipal Code section 22.0101, Rule 2.) Roberts Rules of Order Newly Revised provides that a point of order takes precedence over any pending question out of which it may arise. (Section 23.1 of Roberts Rules.) Thus, a chairman should not call for a vote on an issue until the matter regarding the point of order has been resolved.

2. If a Committee member refuses to vote on a pending question, the chairman may deem the refusal to be a negative vote. (Section 44.)

3. In the absence of a specific rule of procedure, the chairman may limit questions to staff and speakers. (Sections 40 and 41.) There is no specific rule of procedure for Committee questions. As a matter of comity, the chair generally allows unlimited questions and discussion, but it may choose to limit

questions and if supported by a vote by those on the Committee who are present if a point of order is raised.

JOHN W. WITT, City Attorney

By

C.M. Fitzpatrick

Assistant City Attorney

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